



APPLICATION DEPOSIT ACKNOWLEDGEMENT AND AGREEMENT

INTRODUCTION

It is the policy of the County of San Diego to recover from applicants for land development approvals the full cost of processing such applications. (See Board of Supervisors' Policy B-29.) An advance **deposit** is required for certain applications, in an amount as set by ordinance, based upon average costs as past experience demonstrates. This initial deposit amount is **only an estimate** of the amount which will be required to process an application of a particular type; for an individual case, the actual cost may be substantially less or more than the initial deposit amount.

As work proceeds on an application, actual County costs will be recorded. When actual County costs reach approximately 75% of the initial deposit amount, the case will be reviewed and a determination will be made whether additional funds are required to cover anticipated future County costs. (County work normally will be proceeding while such review is being conducted, and in some cases, the amount of resulting County costs may then exceed the amount on deposit, resulting in a deficit account.) On applications, if anticipated or actual County costs exceed the amount of the initial deposit, the applicant is required to pay the additional amount necessary to cover such costs. When a case is completed, any unused amount on deposit will be refunded.

It may become necessary for the County to engage the services of an outside contractor to assist with processing an application. Costs for such services are considered County costs, and are to be paid by the applicant as with the above.

AGREEMENT

The person named below as "Depositor" is herewith depositing, or has previously deposited with the County of San Diego the sum of \$_____ for processing the following application being filed with the County:

Said deposit is made on behalf of the person, corporation or partnership named below as the "Applicant". With reference to said application to said application and deposit, Depositor and Applicant hereby acknowledge and agree as follows:

1. Said deposit shall be held by the County in an account under the name of Applicant, and Applicant shall be considered as the owner of all funds in said account, and Depositor (if different from Applicant) releases any interest in said funds. Except as provided below, any funds remaining in said account at the completion of work on said application shall be refunded to the Applicant at the address below.
2. All costs incurred by the County in processing said application, including overhead, whether within or over the amount of said deposit, shall be paid by Applicant. This is Applicant's personal obligation and shall not be affected by sale or transfer of the property subject to the application, changes in Applicant's business organization, or any other reason. County is authorized to deduct such costs from said deposit at such times and in such amounts as County determines. If the Applicant withdraws an application not involving a violation of a County ordinance, County will cease work thereon within one day.
3. "Costs incurred by the County" under paragraph 2 include costs for the services of an outside contractor, where the County determines to use contract services.
4. In the event that County determines that said deposit must be increased by additional sums in order to cover work anticipated to be necessary to complete processing of said application, County may make a written demand for such increased deposit and mail the same to Applicant at the address below. Applicant will deposit with County such additional sums demanded within thirty days of the date of County's request.

5. If Applicant fails to deposit such additional sums within said period, County may cease work on said application. County may thereafter deem said application to have been withdrawn by Applicant, or may forward said application to the appropriate decision-maker with a recommendation for denial. The application will not be approved until required deposits are paid in full.
6. If the amount of costs incurred by County exceeds the amount of funds on deposit, and Applicant has failed to pay County sufficient funds to cover said deficit after demand, County may, in addition to ceasing work on said application, take any or all of the following actions:
 - (a) cease work on and refuse to process any other applications for land development approvals submitted to County by or on behalf of Applicant;
 - (b) charge such deficit amount to any other account(s) held by County on behalf of Applicant for such other land development applications;
 - (c) commence suit or pursue any other legal or equitable remedies available to it.
7. If County commences suit to recover any deficit in processing costs, the party prevailing in such suit shall be entitled to recover as costs from the other party its costs of litigation, including reasonable attorneys' fees.

APPLICANT:

Signature _____

Print name _____

Number & street _____

City, state & zip _____

DEPOSITOR:

Signature _____

Date _____